

**MINUTES OF THE
MEETING OF THE
BOARD OF ADJUSTMENTS OF
GARDEN CITY, UTAH**

The Garden City Board of Adjustments held a meeting on March 31, 2015 at the Garden City Pineview room, located at 69 N. Paradise Parkway, Bldg B. Board Chairman Hislop opened the meeting at 5:07 p.m.

Board Members present:

Mark Hislop, Chairman
Clint England
Scott Tolentino
Marcia Solum
Jennifer Casillas

Others Present:

Tammy Calder
Ted Epley
Theodore Epley

Roll Call

Chairman Hislop asked for a roll call of the Members present: Board Member England, Board Member Solum, Board Member Tolentino, and Board Member Casillas.

Variance request by Garvey, LLC concerning property owned by them at 333 Rendezvous Way in the Lochwood PUD Phase 1, Garden City. The proposed application is to request a variance on the 20 foot rear setback due to lot configuration.

Art Fanconi represented the Garvey, LLC group as the builder.

Proposed home to be built on lot #20 – front of home will face Rendezvous Way. Would like a 20 foot setback on the front. On the side we are meeting the front street setback. We are encroaching on the NE corner. In the rear it is about 13 feet 6 inches (approximately). The corner of the house nearest Mr. Epleys is about 21 feet. The reason to ask for a variance is by example of three other homes. Mr. Epleys corner that is nearest our property is 14 feet from the rear pin (approximately). Lot #13 across the street (Mr. Longfellow) rear setback is 17 feet off the rear fence. He has a covered attached patio which is 7 feet off the fence and it should be 20 feet off. Lot #11 has a covered porch on the front which is 12 foot 6 inches or from the house is 17 feet six inches. These are three examples of incorrect setbacks. The property to the rear of this lot is a commons area and no homes will be built back there. I am 21 feet at the point nearest Mr. Epleys, just barely past his rear window. His concern is that he still have some visibility out of that. We are still going to maintain the 10 foot easement that is around the front and the rear. We are going to modify the deck to whatever it takes to clear that corner. It was showing all the way across but certainly we do not need that much of a rear deck. It is an attached deck and we will keep it under 30 inches and it is not concrete so it is not part of the footprint.

Board Member England asked what the square footage of the house is. Fanconi replied 1,235.

Board Member Tolentino stated that as far as he knew, no variances have been requested or granted in Lochwood since it was developed. Chairman Hislop concurred. Tolentino then asked if properties 11, 13 and 19 that do not meet current setbacks are a result of a building inspectors error. Chairman Hislop stated that he did not want to pass blame on to anyone, but that that assumption is correct. Tolentino then continued that just because these examples are out of compliance with the ordinance that it doesn't make him inclined to grant a variance based on that alone. That is something that we (the board) did not grant when those homes were built. Board Member Casillas commented that she could not remember any variances for Lochwood. Tolentino suggested scaling the home back to meet the setbacks. Mr. Fanconi replied that the plans do not lend themselves to chopping 6 feet of space out just to make it fit. Hislop noted that with a 1,235 square foot home, cutting out a little and leaving it at 1,000 would still be a nice size home. The property is what it is and we cannot open pandoras box for any other lot owners that come in. Board members England and Casillas both offered more construction ideas. England noted that PUDs already have a 10 foot less setback than regular building lots.

Mr. Fanconi stated that he felt precedence has been set in the other homes that have been constructed. He also stated that even though other building inspectors were no longer employed by the city, that George (Peart) is and that he was the inspector for Mr. Longfellow. He said he just doesn't understand how there can be three instances right next to his lot and none of them are hitting the setbacks. Once he staked out the lot, he called Geo (Peart) and ask him to check it out because he was not hitting the setbacks and on his recommendation, we applied for this variance.

Chairman Hislop stated that we are only here to look at this specific case and this specific variance and then we have to make decisions according to our ordinances. Board Member Tolentino said that this is something we are going to have to get with our building inspectors and let them know that there are these instances where these home did not meet our standards. We have denied many requests around town and up in Bridgerland. There are some mistakes that have been made here and I am glad that we as a variance board did not make them.

Chairman Hislop recognized Mr. Ted Epley and Mr. Theodore Epley if they wanted to add anything to the discussion. They said that they have tried on numerous occasions to buy that lot just to grass it since it is a weird shape and configuration but have not been successful. They want to have neighbors, they want homes built and they want empty lots cleaned up. They admire the City for staying on the right track.

Board Member England wanted to note that he talked with two neighboring homeowners and neither of them opposed this variance.

Board Member Tolentino made the motion to deny this variance because it does not meet the setbacks. Board Member Solum seconded the motion. A roll call vote was taken: Council Member England, for; Council Member Tolentino, for; Council Member Solum, for; Council Member Casillas, for. All in favor and the motion carried.

Mr. Fanconi then stated that there are lots of other options. He wishes that he had been involved in the design process from the beginning but was only contacted after the plans were chosen.

Chairman Hislop thanked the board for their dedication and service. Appreciated that most members of the board went to the site and became familiar with the property before the board meeting.

Approval of Minutes for this meeting held on March 31, 2015 will be prepared and mailed or e-mailed to each member of the Board of Adjustments. The Board Members will have ten days to review the minutes and submit any changes to the clerk. If after ten days there are no requested changes, the minutes will stand approved. If there are changes, the process will be followed until all the changes are made and the Board Members are in agreement. Board Member Casillas made a motion to accept the minutes and Board Member England seconded the motion. A roll call vote was taken: Board Member Tolentino, for; Board Member England, for; Board Member Casillas, for; and Board Member Solum, for. All in favor and the motion carried.

No Miscellaneous business.

Motion of Adjournment at 5:26 p.m. by Board Member Solum.

APPROVAL:

Mark Hislop, Chairman

Attest:

Tamalyn E. Calder, Recorder